

IN RE: LOUIS JONES, JR.) CASE NO. 21-40537
) CHAPTER 7
DEBTOR) JUDGE TIARA N.A. PATTON

Now comes Richard G. Zellers, Trustee in the above captioned matter and herein makes Application for payment to David Truman as Special Counsel for the Trustee and further states as follows.

On October 12, 2022 this Court did enter an Order (Docket 40) authorizing the Trustee to hire David Truman as Special Counsel for purposes of pursuing the matter of Louis Jones, Jr. v. NMC Metals, Inc. for age discrimination in an law suit pending in the Federal District Court for the Northern District of Ohio.

Attached hereto as Exhibit A is a listing for services David Truman rendered in said matter. Said fees and expenses add up to \$21,217.50, as well as the filing fee in the District Court of \$402.00 for a total of \$21,619.50. Although Mr. Truman and his law firm generally charge 40%, he is willing to settle for a one-third contingency of \$10,666.67 and his expenses, including filing fee and transcription attached as Exhibit B and the transcripts for depositions attached hereto as Exhibit C in the amounts of \$402.00 and \$275.00 respectively. The total fees and expenses are \$11,343.67.

The Trustee has reviewed the application and exhibits attached thereto and believes that the fees are reasonable, fair and equitable and in the best interest of the estate and its creditors based on the results of the Federal District Court case.

Therefore, the Trustee requests approval of the Application and the authorization to pay David Truman, Special Counsel, the sum of \$10,666.67 in fees and expenses in the amount of \$677.00.

Respectfully submitted,

/s/Richard G. Zellers

RICHARD G. ZELLERS (0011764)

Attorney for Trustee

3695 Boardman Canfield Rd.

Bldg. B, Suite 300

Canfield, OH 44406

(330) 702-0780

(330) 702-0788 facsimile

zellersesq@gmail.com

CERTIFICATE OF SERVICE

I certify that on December 20, 2022, a true and correct copy of the foregoing was served:

Bret Billec, bbillec@ohiolegalclinic.com

And by regular U.S. mail, postage prepaid, on:

Office of the United States Trustee
201 Superior Ave., Room 441
Cleveland, OH 44114



EMPLOYMENT LAW PARTNERS, LLC

INVOICE

4700 Rockside Road, Suite 530
Independence, OH 44131
Phone: 216-382-2500
www.employmentlawpartners.com

Invoice # 3391
Date: 11/18/2022
Due Upon Receipt

Mr Louis Jones
387 Jackson st
Campbell, OH 44405

03222-Jones

Disability and race claims against NMC METALS, INC., dba NILES EXPANDED METALS

Services

Date	Attorney	Description	Quantity	Rate	Total
11/30/2021	DT	Call with Louis re: need for his medical records [REDACTED]	0.20	\$275.00	\$55.00
12/01/2021	DT	Call with Louis Jones about obtaining his medical records from [REDACTED]	0.10	\$275.00	\$27.50
12/08/2021	DT	Call with client re: [REDACTED] medical records access.	0.20	\$275.00	\$55.00
01/14/2022	DT	Call with Louis re: need for filing fee deposit and medical records update.	0.20	\$300.00	\$60.00
01/21/2022	DT	Drafting Complaint.	1.30	\$300.00	\$390.00
01/24/2022	DT	Editing and revising draft Complaint.	1.40	\$300.00	\$420.00
01/25/2022	ST	Reviewing/revising draft complaint	0.50	\$325.00	\$162.50
01/26/2022	DT	Prepare civil cover sheet and summons and file complaint via ECF.	0.30	\$300.00	\$90.00
02/08/2022	DT	Prepare waiver of service form and email with complaint to Kevin Murphy.	0.20	\$300.00	\$60.00
03/16/2022	DT	Email case update to client.	0.20	\$300.00	\$60.00
03/25/2022	DT	Receive and review answer and email correspondence with client re: same.	0.20	\$300.00	\$60.00
03/30/2022	DT	Call from Louis re: answer filed by defendant and	0.50	\$300.00	\$150.00

ExA

		discovery strategy.			
04/08/2022	DT	Meeting with Louis in office.	0.20	\$300.00	\$60.00
04/11/2022	DT	Call from Louis re: [REDACTED]	0.30	\$300.00	\$90.00
04/27/2022	DT	Email correspondence with client re: initial discovery protocols and case management conference.	0.30	\$300.00	\$90.00
04/27/2022	DT	Call from client re: CMC and initial discovery protocols production.	0.20	\$300.00	\$60.00
05/03/2022	DT	Draft motion to continue CMC	0.20	\$300.00	\$60.00
05/03/2022	DT	Email client re: motion to continue CMC.	0.10	\$300.00	\$30.00
05/09/2022	DT	Meeting at office with client to receive and discuss documents for initial discovery protocols.	0.30	\$300.00	\$90.00
05/13/2022	DT	Research judicial estoppel re: [REDACTED] bankruptcy case.	0.80	\$300.00	\$240.00
05/19/2022	DT	Review case file to prepare for disclosures per initial discovery protocols.	1.20	\$300.00	\$360.00
05/20/2022	DT	Call and leave voicemail and draft email to bankruptcy trustee R. Zellers re: civil case and [REDACTED] bankruptcy case.	0.20	\$300.00	\$60.00
05/20/2022	DT	Call with client to discuss notice to bankruptcy trustee.	0.20	\$300.00	\$60.00
05/20/2022	DT	Reviewing documents for production per discovery protocols and emailing the same to defense counsel.	1.10	\$300.00	\$330.00
05/23/2022	DT	Call with client re: additional mitigation records requested by defendant [REDACTED]	0.40	\$300.00	\$120.00
06/06/2022	DT	Call with Louis re: conversation with trustee and trustee's plan to reopen bankruptcy and file appearance in case.	0.30	\$300.00	\$90.00
06/07/2022	DT	Call from Louis to discuss questions for his bankruptcy attorney.	0.20	\$300.00	\$60.00
06/07/2022	DT	Call to Louis's bankruptcy attorney to discuss exemptions and his next steps.	0.20	\$300.00	\$60.00
06/08/2022	DT	Call from Louis to discuss settlement authority of trustee.	0.30	\$300.00	\$90.00
06/14/2022	DT	[No Charge] [REDACTED]	0.70	\$0.00	\$0.00
06/14/2022	DT	Reviewing file and notes to calculate settlement demand range.	0.40	\$300.00	\$120.00

06/15/2022	ST	Conf. w/ D. Truman re: settlement demand; Reviewing/ revising draft of same	0.10	\$325.00	\$32.50
06/15/2022	DT	Call with trustee Zellers re: status and expectations on re-opening bankruptcy	0.10	\$300.00	\$30.00
06/15/2022	DT	Call with client re: update on bankruptcy and settlement demand.	0.40	\$300.00	\$120.00
06/15/2022	DT	Drafting settlement demand per CMC order.	0.20	\$300.00	\$60.00
06/16/2022	DT	Review and revise party planning report and email correspondence to defense counsel re: same.	0.20	\$300.00	\$60.00
06/28/2022	DT	Drafting Plaintiff's first set of discovery requests to Defendant.	1.40	\$300.00	\$420.00
06/29/2022	ST	Attending case management conference w/ Judge Pearson	1.00	\$325.00	\$325.00
06/29/2022	DT	Reviewing file in preparation for case management conference call.	1.10	\$300.00	\$330.00
06/29/2022	DT	Telephonic case management conference.	1.00	\$300.00	\$300.00
06/30/2022	DT	Call with client to discuss yesterday's CMC conference.	0.30	\$300.00	\$90.00
07/03/2022	DT	Editing and revising Plaintiff's first set of discovery requests to Defendant.	1.70	\$300.00	\$510.00
07/06/2022	DT	Research discovery of co-workers' medical information by plaintiff in ADA litigation.	0.60	\$300.00	\$180.00
07/06/2022	DT	Email defense counsel re: ADA confidentiality research.	0.20	\$300.00	\$60.00
07/07/2022	DT	Review and revise proposed stipulated protective order and email same to all counsel.	0.80	\$300.00	\$240.00
07/11/2022	DT	Review and edit stipulated protective order, email correspondence with M. Ries re: same, and filing stipulation re: inadvertent disclosure or privileged material.	0.40	\$300.00	\$120.00
07/28/2022	DT	Drafting written discovery responses.	1.70	\$300.00	\$510.00
07/29/2022	DT	Continue drafting written discovery responses. Call with client re: discovery responses	2.40	\$300.00	\$720.00
08/03/2022	DT	Email correspondence with M. Ries re: discovery responses extension.	0.10	\$300.00	\$30.00
08/03/2022	DT	Call with client to review and revise draft discovery responses. Email correspondence with client re: Defendant's responses.	1.30	\$300.00	\$390.00
08/10/2022	DT	Email correspondence with R. Zellers re: case management order.	0.10	\$300.00	\$30.00

08/11/2022	DT	Receive and review bankruptcy court order and call with trustee to discuss next steps.	0.20	\$300.00	\$60.00
08/11/2022	DT	Reviewing and revising discovery responses.	2.30	\$300.00	\$690.00
08/19/2022	ST	Reviewing and commenting on draft engagement letter for Bankruptcy Trustee	0.20	\$325.00	\$65.00
08/19/2022	DT	Drafting proposed engagement letter for Bankruptcy Trustee	0.40	\$300.00	\$120.00
08/24/2022	DT	Review documents produced by NMC. Call with client to discuss same.	1.80	\$300.00	\$540.00
09/06/2022	DT	Researching disclosure requirements for treating physician.	0.40	\$300.00	\$120.00
09/09/2022	DT	Review discovery materials received to date and draft discovery dispute letter to defense counsel.	2.10	\$300.00	\$630.00
09/14/2022	DT	Review file and CMC order in preparation for status conference.	0.50	\$300.00	\$150.00
09/14/2022	DT	Telephone status conference with Judge Pearson and Defense counsel. Additional discussion on discovery of work restriction requests and scheduling of mediation with Defense counsel.	0.50	\$300.00	\$150.00
09/15/2022	DT	Review order scheduling mediation. Draft correspondence to Trustee Zellers and Mr. Jones re: same.	0.30	\$300.00	\$90.00
09/23/2022	DT	Call with Louis to discuss mediation schedule and Trustee's decisionmaking authority. Also discussed getting M. Brewer meeting and statement.	0.30	\$300.00	\$90.00
09/27/2022	DT	Call with Mark Brewer	0.20	\$300.00	\$60.00
09/27/2022	DT	Call with client re: Mark Brewer	0.20	\$300.00	\$60.00
10/05/2022	DT	Meeting and interview with M. Brewer. Draft declaration based on interview.	1.30	\$300.00	\$390.00
10/18/2022	DT	Reviewing file and preparation for depositions of defendant witnesses.	3.40	\$300.00	\$1,020.00
10/18/2022	DT	Research 100 percent healed rule cases and comparators with different job titles.	1.80	\$300.00	\$540.00
10/19/2022	DT	Meeting with client to prepare for deposition.	2.30	\$300.00	\$690.00
10/19/2022	DT	Reviewing file in preparation for depositions of plaintiff and R. Andino and B. Phillips	3.60	\$300.00	\$1,080.00
10/20/2022	DT	Deposition of L. Jones at office of defense counsel in Warren and following discussion with client re: same	6.90	\$300.00	\$2,070.00
10/20/2022	DT	Review of notes from deposition of plaintiff and	1.10	\$300.00	\$330.00

		additional preparation for depositions of employer witnesses.			
10/21/2022	DT	Depositions of R. Andino and B. Phillips at defense counsel office in Warren	5.00	\$300.00	\$1,500.00
10/21/2022	DT	Call with client re: depositions of employer witnesses.	0.40	\$300.00	\$120.00
10/26/2022	DT	Email R. Zellers re: mediation and settlement proposal.	0.10	\$300.00	\$30.00
10/29/2022	DT	Drafting mediation statement.	2.10	\$300.00	\$630.00
10/30/2022	DT	Edit and revise mediation statement.	0.70	\$300.00	\$210.00
10/31/2022	ST	Reviewing/revising draft mediation statement	0.50	\$325.00	\$162.50
10/31/2022	DT	Revising mediation statement incorporating feedback from S. Torch and preparation of exhibits.	0.80	\$300.00	\$240.00
10/31/2022	DT	Calls with L. Jones, R. Zellers, and M. Ries re: settlement.	0.60	\$300.00	\$180.00
10/31/2022	ST	Conf. w/ D. Truman re: settlement and related issues	0.20	\$325.00	\$65.00
11/01/2022	DT	Receive, review, edit proposed settlement agreement from M. Ries.	0.30	\$300.00	\$90.00
11/01/2022	ST	Reviewing/revising draft settlement agreement and responding to D. Truman's comments on same	0.30	\$325.00	\$97.50
11/02/2022	DT	Research tax treatment of settlement payment to trustee and email correspondence with M. Ries re: same.	0.40	\$300.00	\$120.00
11/03/2022	DT	Email correspondence with M. Ries re: proposed changes to settlement agreement.	0.20	\$300.00	\$60.00
11/04/2022	DT	Email correspondence with R. Zellers re: draft settlement agreement.	0.20	\$300.00	\$60.00
11/06/2022	DT	Revise and edit draft settlement agreement per trustee request. Email revised draft to trustee.	0.30	\$300.00	\$90.00
				Quantity Subtotal	69.9
				Services Subtotal	\$20,817.50

Expenses

Date	Attorney	Description	Quantity	Rate	Total
10/20/2022	DT	Mileage: Travel for depositions at defense counsel office in Warren.	100.00	\$0.625	\$62.50
10/21/2022	DT	Mileage: Travel for depositions at defense counsel office in Warren.	100.00	\$0.625	\$62.50

*****Formerly Elfvin, Klingshirn, Royer & Torch, LLC***

Please remit payment to Employment Law Partners, LLC
We accept cash, checks, eChecks, and credit cards.

Please call (216) 382-2500 with any questions or to arrange a payment plan.

Payment is due upon receipt.

David Truman

From: do_not_reply@psc.uscourts.gov
Sent: Wednesday, January 26, 2022 2:42 PM
To: David Truman
Subject: Pay.gov Payment Confirmation: OHIO NORTHERN DISTRICT COURT

Your payment has been successfully processed and the details are below. If you have any questions or you wish to cancel this payment, please contact: Help Desk at 1-800-355-8498.

Account Number: 3548530
Court: OHIO NORTHERN DISTRICT COURT
Amount: \$402.00
Tracking Id: AOHND-11240260
Approval Code: 026167
Card Number: *****5061
Date/Time: 01/26/2022 02:41:30 ET

NOTE: This is an automated message. Please do not reply

Ex B

Invoice

Date	Invoice #
10/28/2022	22-0986
EIN: 45-2953296	

Bill To
Employment Law Partners, LLC Atty. David Truman 4700 Rockside Road Suite 530 Independence, Ohio 44131

Job Date	Case Caption	Case No.	Reporter
10/21/2022	Jones VS NMC	USDC 4:22 CV 00138	Jodie Algarin
Description			
Matters not transcribed. To attend the depositions of Rebecca Andino and William Phillips, Jr. Held in the office of Atty. Ries.			
Thank you for your business!		Total	
		\$275.00	
		Payments/Credits	
		\$0.00	
		Balance Due	
		\$275.00	
330-729-9626	info@aareporting.com		

Exc

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT

IN RE: LOUIS JONES, JR.)	CASE NO. 21-40537
)	CHAPTER 7
DEBTOR)	JUDGE TIIARA N.A. PATTON
)	ORDER

This matter came to the Court upon the First and Final Application for Compensation for Special Counsel for the Trustee and the request for authority to pay approved fees.

The Court has reviewed the Application and the exhibits attached thereto and find that the request for fees and expenses is reasonable, fair and equitable and in the best interest of the estate and its creditors. A hearing was held on January 11, 2023 and all parties were properly served. There were no objections filed.

Therefore, the Court approves fees and expenses and authorizes the Trustee to pay the sum of \$10,666.67 in legal fees and \$677.00 in expenses to David Truman as Special Counsel.

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Submitted by:

/s/Richard G. Zellers

RICHARD G. ZELLERS (0011764)

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Canfield, OH 44406
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Bldg. B, Suite 300
Canfield, OH 44406

Office of the United States Trustee
Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Room 441
Cleveland, OH 44114

Brett Billec, Esq.
25 Market St., Ste. 1001
Youngstown, OH 44503